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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Jack Leal,

14 Plaintiff,

15 v.

16 Nevada Department of Corrections, *et al.*,

17 Defendants.

Case No. 2:21-cv-01965-GMN-VCF

**Unopposed motion to extend
deadline to serve defendant and
file proof of service**

19 Petitioner Jack Leal respectfully moves this Court for an extension of time of
20 fourteen (14) days to serve Defendant H. Landsman, as required by this Court in its
21 April 10, 2023, Notice of Intent to Dismiss. (ECF No. 50). Counsel for Defendants
22 does not oppose the request. In support of his motion, Mr. Leal represents as
23 follows:
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1 Counsel for Mr. Leal files the present motion in good faith. Mr. Leal initiated
2 the current matter by filing a Complaint on or about October 25, 2021. ECF No. 1.
3 This Court appointed counsel for Mr. Leal on January 30, 2023. ECF No. 45.
4 Undersigned counsel entered his appearance on February 16, 2023. ECF No. 47. On
5 April 10, 2023, this Court entered a Notice Regarding Intention to Dismiss as to
6 three parties, Scott Mattinson, T. Agustin, and H. Landsman, unless proof of service
7 was filed with the clerk by May 10, 2023. ECF No. 50. On May 8, 2023, undersigned
8 counsel, through an investigator, effected service upon Defendant T. Agustin.¹ See
9 ECF No. 56. The same investigator attempted to serve Defendant H. Landsman but
10 was unable to find him at his place of residence. Counsel sought an extension until
11 May 24, 2023, to serve Mr. Landsman, which this Court granted on May 15, 2023.
12 ECF Nos. 55, 57.

13 Following the above motion for an extension of time, counsel hired a process
14 server, “Legal Wings, Inc.,” to serve Mr. Landsman. On May 24, 2023, undersigned
15 counsel spoke with a representative for the process server who explained that an
16 agent had unsuccessfully attempted service on two occasions in the preceding week.
17 The representative suggested that, based on the process server’s observations, Mr.
18 Landsman may be avoiding service. The representative noted that the company will
19 attempt service two more times this week, per the terms of its agreement with
20 counsel’s office.

21 In light of the above developments, undersigned counsel requests an
22 additional extension of time of fourteen (14) days or until Wednesday June 7, 2023,
23 to serve Mr. Landsman and file a proof of service with this Court.
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26 ¹ While attempting to ascertain the whereabouts of each above-referenced
27 individual, counsel discovered that Defendant Scott Mattinson has passed away.
Mr. Leal will voluntarily dismiss his case against that individual.

1 On May 24, 2023, undersigned counsel contacted opposing counsel Anna L.
2 Heshmati to see if Defendants would stipulate to an extension of time as provided
3 herein. Ms. Heshmati represented that Defendants do not oppose the request.

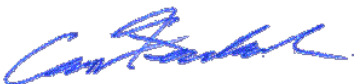
4 This motion is not filed for the purposes of delay, but in the interests of justice,
5 as well as in the interest of Mr. Leal. As noted above, counsel was able to effect service
6 upon Defendant Agustin and already filed the corresponding proof of service. Counsel
7 for Mr. Leal respectfully requests this Court extend the deadline to serve Defendant
8 Mr. Landsman and file proof of service by fourteen (14) days or until June 7, 2023.

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10 Dated May 24, 2023.

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12 Rene L. Valladares
13 Federal Public Defender

14 /s/ Martin L. Novillo
15 Martin L. Novillo
16 Assistant Federal Public Defender
17 Attorney for Plaintiff

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19 IT IS SO ORDERED:

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22 United States District Judge
Magistrate

23 Dated: 6-9-2023
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